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JUL 16 2007

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 Counsellors at Law  
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 T: 212.813.8800

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence, and attachments, if any, are being facsimile transmitted to the USPTO at fax number (571) 273-8300 on the date indicated below TO THE Attention of Examiner: Rafael Bacares

*Francene Sawyer*  
 Francene Sawyer

July 16, 2007

**F A X T R A N S M I T T A L**

If problems with transmittal, call fax department at 212.813.8800.

Date	Total pages
July 16, 2007	20

To	Company	Fax number	Telephone
Commissioner for Patents ATTN: Examiner: Rafael Bacares	U.S. Patent and Trademark Office	(571) 273-8300	(571) 272-1000

From	Fax number	Telephone
Betsy Kingsbury Dowd	212.355.3333	212.459-7435

**Message:**

Appl. No. : 10/551,661  
 Filed: : April 1, 2004  
 Inventor(s) : Cheng, et al.  
 Title : ADVANCED VERSATILE LAYOUT AND RENDERING SYSTEM, METHOD AND  
 PRODUCT  
 Group/Art Unit : Unassigned  
 Examiner : Rafael Bacares  
 Attorney Docket No. : 102907-437-NP

Submitted herewith are the following items for filing in the above-identified case:

1. This Fax Transmittal (1 page);
2. Renewed Petition Under 37 § C.F.R. 1.47(A) (4 pages)
3. Exhibits A-E (15 pages)

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LIBNY/4614944.1

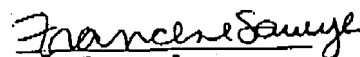
**JUL 16 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appl. No.** : 10/551,661  
**Inventors** : Cheng, et al.  
**Assignee** : PLANETii USA, Inc.  
**Filed** : April 1, 2004  
**Title** : ADVANCED VERSATILE LAYOUT AND RENDERING SYSTEM,  
METHOD AND PRODUCT  
**TC/A.U.** : Unassigned  
**Legal Examiner** : Rafael Bacares  
**Docket No.** : 102907-437-NP

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Date: July 16, 2007  
Francene Sawyer**RENEWED PETITION UNDER 37 § C.F.R. 1.47(a)**

Office of PCT  
Legal Administration

Dear Sir:

Applicant/Assignee, PLANETii USA, Inc., hereinafter "Applicant," hereby petitions the Commissioner under 37 § C.F.R. 1.47(a) to reconsider the decision issued by the Office on May 14, 2007 and to accept the Combined Declaration and Power of Attorney previously submitted for the above-referenced application, a copy of which is enclosed again here. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor. In accordance with the Decision issued on May 14, 2007, the Applicant has

LIBNY/4614652.1

satisfied items 1 and 3. The Decision also indicated that Item (4) was not satisfied, because our previous petitions lacked a statement that all of the inventors other than the non-signing inventor (Mr. Cheng and Mr. Lee) have signed on behalf of the non-signing inventor in the declaration.

With regard to Item (4), a copy of the combined Declaration and Power of Attorney is again provided as Exhibit A. The combined Declaration and Power of Attorney has been signed by the inventors Lewis Cheng and Kyung Lee on behalf of themselves and the non-signing inventor, who was not able to be reached at the time, or since, for signing. With regard to Item (2) above, the Applicant and the undersigned attorney for the Applicant offer the following as additional factual proof that the missing joint inventor could not be reached after diligent effort:

1. The undersigned attorney has made a bona fide attempt and effort to contact inventor Joseph Fusion, including conducting an investigation through LexisNexis SmartLinx Person search and conducting further internet searches. The LexisNexis search indicated that the last known address for Mr. Fusion is:

3707 SE Salmon Street  
Portland, OR 97214-4337.

A copy of the relevant portion of the search results is provided as Exhibit B.

2. The office of the undersigned attorney mailed a copy of the Declaration and application to this last known address on May 24, 2007. As shown by a copy of the tracking slip provided as Exhibit C, the package appears to have been successfully delivered to a receptionist at a front desk. However, we have still received no response or communication from Mr. Fusion.
3. The office of the undersigned attorney also recently mailed a copy of the Declaration to Mr. Joseph Fusion by certified mail, and a separate copy with a cover letter to Mr. Joseph Fusion or current occupant, by First Class Mail to the last known address on file at PLANETii to which copies of the Declaration and application have been sent previously, namely,

214 NE 29<sup>th</sup> Ave  
Portland, OR 97232-3204,

**JUL 16 2007**

however, both packages were returned as undeliverable, as indicated by copies of the unopened envelopes returned to us with "Return to Sender" stamp, provided as Exhibit D.

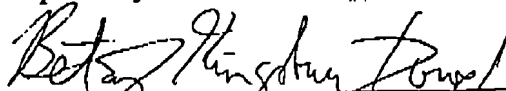
4. Finally, a letter was mailed by the office of the undersigned attorney by Federal Express to an address in New York which, according to the search performed on LexisNexis, we believe to have been occupied recently by a relative of Mr. Fusion, in a final attempt to locate Mr. Fusion. This package was also returned as undeliverable, as indicated by a copy of the unopened envelop returned to us, which is provided as Exhibit E.
5. Neither the Applicant nor anyone at the office of the undersigned has received any response from Mr. Fusion or from anyone else who might be residing at the above named addresses. All but one of the mailings have been returned as undeliverable, indicating that if Mr. Fusion is living at the address listed in Item 1 above, he has refused by his silence to execute the Declaration.
6. Accordingly, a diligent effort has been made on the part of the Applicant and the undersigned attorney to contact Mr. Fusion and obtain his signature on the corrected Declaration.
7. In addition, evidence was provided in the Renewed Petition mailed by this office on January 30, 2007, verifying that PLANETii has a sufficient proprietary interest in this application for patent, and that Mr. Fusion signed an employment agreement agreeing to assign his rights to any inventions to PLANETii. To preserve these rights, Applicant respectfully requests that the Legal Examiner grant this second Renewed Petition under 37 CFR 1.47(a) without further delay.

In view of the remarks set forth above, the accompanying documentation, and the remarks and documentation included with the previously submitted Petition under 37 CFR 1.47, and the previously submitted Renewed Petition under 37 CFR 1.47, the Applicant respectfully requests entry of the declaration on behalf of inventor Joseph Fusion. If further information or evidence is required, please contact the undersigned attorney at the telephone number provided below to expedite the granting of this petition.

The Commissioner is authorized to charge any required fees, including any extension fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Date: July 16, 2007

Respectfully submitted for Applicant,



Betsy Kingsbury Dowd (Reg. No. 52,830)

GOODWIN PROCTER LLP

599 Lexington Avenue

New York, NY 10022

Tel. No.: (212) 459-7435

Fax No.: (212) 355-3333

## **EXHIBIT A**

RECEIVED  
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JUL 16 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**First Named Inventor:** Lewis Cheng

**Serial No.:** 10/551,661

**Filed:** September 30, 2005

**Title:** Advanced Versatile Layout and Rendering System

**Docket No.:** 102907-437NP

**Examiner:**

**Group Art Unit:**

**DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY AND PLANT PATENT APPLICATION**

This Declaration is

☐ Submitted with Initial Filing.

☒ Submitted after Initial Filing (surcharge under 37 C.F.R. 1.16(e) required).

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention as entitled above, the specification of which

☐ is attached hereto

☒ was filed on 09/30/2005 as United States Application No. 10/551,661 or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
US 2004/10027	PCT	4/1/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial Number(s)	Filing Date
60/459,329	4/4/2003

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(e) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application

Application Serial Number(s)	Filing Date	Status (pending, patented, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

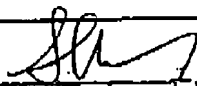
☒ Practitioners at Customer Number 24964 → [ Customer Number Bar Code Label]

☐ Practitioner(s) named below:

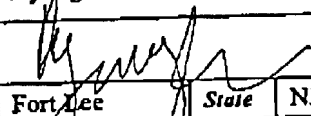
Name	Registration Number

☒ Please direct all future correspondence and telephone calls to:

<i>Attorney Name and Registration No.</i>	Richard I. Samuel, Esq. (Reg. No. 24,435)
<i>Firm Name</i>	Goodwin Procter LLP
<i>Address</i>	599 Lexington Ave
<i>City, State, Zip</i>	New York, NY 10022
<i>Telephone</i>	(212)-459-7021

Name of Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle)	Lewis	Family Name or Surname		Cheng			
Inventor's Signature				Date	04/28/05		
Residence: City	Mountain View	State	CA	Country	USA	Citizenship	Canada
Mailing Address	2400 W. El Camino Real, #715, Mountain View, CA 94040						
City	Mountain View	State	CA	ZIP	94040	Country	USA

Name of Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle)	Joseph			Family Name or Surname	Fusion		
Inventor's Signature					Date		
Residence: City	Portland	State	OR	Country	USA	Citizenship	USA
Mailing Address	214 NE 29th Ave., Portland, OR 97232						
City	Portland	State	OR	ZIP	97232	Country	USA

Name of Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle)	Kyung		Family Name or Surname	Lee	
Inventor's Signature			Date	4/28/05	
Residence: City	Fort Lee	State	NJ	Country	USA
Mailing Address	1275 15th St. #5R, Fort Lee, NJ 07024				
City	Fort Lee	State	NJ	ZIP	07024
				Country	USA

## **EXHIBIT B**

## LexisNexis® SmartLinx™ Person Report Results

Page 1 of 7

Permissible Uses: DPPA - 2. Debt Recovery/Fraud  
 GLBA - 1. Fraud Prevention or Detection  
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[Subject Summary](#) | [Others Using SSN](#) | [Address Summary \(11\)](#) | [Voter Registrations \(2\)](#)  
[Licenses \(1\)](#) | [Personal Property](#) | [Real Property](#) | [Bankruptcies](#) | [Judgments & Liens](#)  
[Relatives \(12\)](#) | [Associated Entities \(2\)](#) | [Neighbors \(8\)](#) | [Sources \(33\)](#)

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Full Name

FUSION, JOSEPH STEVEN

Address

3707 SE SALMON ST  
 PORTLAND, OR 97214-4337  
 COUNTY: MULTNOMAH

County

MULTNOMAH

Phone

## ADDITIONAL PERSONAL INFORMATION

SSN

375-86-XXXX  
 (MICHIGAN: 1980-1981)

DOB

08/1973  
 (Age: 33)

GENDER

Male

## Subject Summary

[Back To Top](#)  
[Name Variations \(5\)](#) | [SSNs Summary \(1\)](#) | [DOBs \(1\)](#)

## Name Variations

[View Name Variation Sources](#)

- 1: FUSION, JOSEPH STEVEN
- 2: FUSION, JOSEPH S
- 3: HARPE, JOSEPH
- 4: HARPE, JOSEPH S
- 5: HARPE, JOSEPH STEVEN

## SSNs Summary

[View SSN Sources](#)

No.	SSN	State Iss.	Date Iss.	Warnings
1:	375-86-XXXX	MICHIGAN	1980-1981	

## DOBs

[View DOB Sources](#)

- 1: 08/1973

## Address Summary

[Back To Top](#)

Address Summary - 11 records found for subject:

[View Address Sources](#)

#	Address	Actions
1:	3707 SE SALMON ST PORTLAND, OR 97214-4337 COUNTY: MULTNOMAH	<a href="#">Get Report</a> <a href="#">View Details</a>
2:	214 NE 29TH AVE PORTLAND, OR 97232-3204 COUNTY: MULTNOMAH	<a href="#">Get Report</a> <a href="#">View Details</a>
3:	2208 NW IRVING ST PORTLAND, OR 97210-3223 COUNTY: MULTNOMAH	<a href="#">Get Report</a> <a href="#">View Details</a>
4:	247 19TH ST APT 18 BROOKLYN, NY 11215-5407 COUNTY: KINGS	<a href="#">Get Report</a> <a href="#">View Details</a>
	119 FIELDCREST ST APT 304	<a href="#">Get Report</a>

## EXHIBIT C

**Larmon, Diane S**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Thursday, May 24, 2007 4:34 PM  
**To:** Larmon, Diane S  
**Subject:** FedEx Shipment 790254091898 Delivered

---

This tracking update has been requested by:

Company Name: Goodwin Procter LLP

Name: Diane Larmon

E-mail: DLarmon@goodwinprocter.com

---

Our records indicate that the following shipment has been delivered:

Tracking number:	790254091898
Reference:	102907.113712.09749
Ship (P/U) date:	May 24, 2007
Delivery date:	May 24, 2007 1:26 PM
Sign for by:	M.DEERING
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information  
Diane Larmon  
Goodwin Procter LLP  
599 Lexington Ave FL 30  
New York  
NY  
US  
100226030

Recipient Information  
Mr. Joseph Fusion  
3707 SE Salmon St  
Portland  
OR  
US  
972144337

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Direct Signature Required

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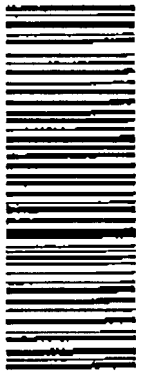
## **EXHIBIT D**



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Goodwin Procter LLP  
599 Lexington Avenue  
New York, NY 10022

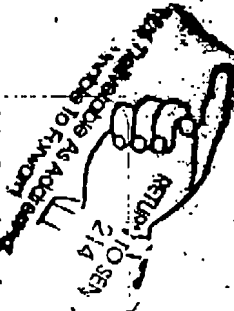
7007 0220 0000 1562 3915



FOE

etc

**FIRST CLASS MAIL**



Mr. Joseph J. Fuson  
214 NE 29th Avenue  
Portland, OR 97232

GOODWIN PROCTER

Goodwin Procter LLP  
888 Lexington Avenue  
New York, NY 10022

**FIRST CLASS MAIL**

Mr. Joseph Fusco

Current Occupant

214 NE 2<sup>nd</sup> Ave.

Portland OR 97232

Daniel K. M. M.

## **EXHIBIT E**

# fedex

Express

DIANE LARMON  
FLOORS:  
23RD  
Sender:  
RETURN  
06/08/07 09:58 1 of 1  
060807095844

**Align top of FedEx Express Shipping Label here**

ORIGIN ID: UTOR (646) 485-5D06  
FEDEX  
138 LEROY ST  
2ND FL

SHIP DECEMBER 1963  
SYSTEM #B633685 / CAFEZ331  
ACTUAL WGT: 1.9 LBS MAX-WGT

ALBANY, NY 12214  
TO: RETURN  
COLUMBIA BROADCASTING SYSTEM

7147 3065 8744

**BILL RECIPIENT**

7147 3065 8744

REF: 788745588145

**EXPRESS SAVER**

1234

**7147 3565 8744 FORM 0201**

**TUE**  
Deliver by  
12:11PM

**内**

**10022** **-NY-UG**

# 22 JPA



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